



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG - 1 2012

The Honorable Rand Paul
United States Senator
1029 State Street
Bowling Green, Kentucky 42101

Dear Senator Paul:

Thank you for your June 15, 2012, letter to the U.S. Environmental Protection Agency regarding the concerns of [REDACTED] in the matter of the Lee's Lane Landfill (the Site).
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The Site was placed on the National Priorities List (NPL) in 1983 and deleted from the NPL in 1996 following completion of the remedial action to clean up contamination at the Site. In 1991, the Louisville Metropolitan Sewer District (MSD) signed an Administrative Order on Consent with the EPA in which they agreed to conduct the Operations and Maintenance (O&M) at the Site for 29 years. The O&M includes ground water monitoring, landfill gas and ambient air monitoring, and regular inspections and repairs of erosion which may occur. In addition, the EPA conducts an official review of the Site status every five years known as a Five-Year Review (FYR). The last FYR was in 2008 and led to the discovery of problems with the remedy. Although these problems do not rise to the level of affecting the current protectiveness of the remedy, they do raise questions about the long-term effectiveness of the remedy and therefore warrant attention by the EPA.

Since completing the 2008 FYR, the EPA has been working with the Kentucky Department of Environmental Protection (KDEP), the U.S. Fish and Wildlife Service, and the Agency for Toxic Substances and Disease Registry (ATSDR) to develop a comprehensive plan to address the issues at the Site. Additionally, MSD replaced an air monitoring well where methane readings have historically been the highest with three new air monitoring wells. This has now provided a year of new data. Moving forward, the EPA will continue to work with MSD and the other agencies to address the issues at the Site which include concerns about ambient air quality, the effectiveness of the methane collection system, the adequacy of the ground water monitoring network, concerns about the presence of waste material in uncapped areas of the Site and concerns about access to the Site.

The fact that the Site has been deleted from the NPL does not preclude the EPA from taking these steps. The only reason the EPA would need to re-list the Site on the NPL would be if Superfund monies were needed to fund additional remedial action. Because there are Potentially Responsible Parties (PRPs) for this Site, the EPA believes it unlikely that Superfund monies will be needed. Therefore, no steps will be taken at this time to re-list the Site.

The EPA is committed to ensuring that all residents have access to information regarding the Site. A site repository will be re-established at the Shively-Newman Branch of the Louisville Free Public Library in the near future. This repository will include the Site Administrative Record (AR) which contains the documents used to support the Record of Decision at the Site and the Deletion Docket (DD) which contains the documents used to support the deletion of the Site from the NPL. The EPA sent a compact disc (CD) [REDACTED] in September 2011 which contained all AR and DD documents as well as all
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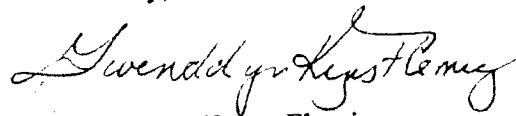
other releasable EPA file material. A hard-copy list of the contents of the CD, in chronological order, was also included with the CD.

A public meeting was held on July 19, 2012, at Farnsley Middle School, 3400 Lee's Lane, Louisville, Kentucky. The purpose of the meeting was to provide an opportunity for the public to hear from the EPA, KDEP and ATSDR the history of the site and its current status as well as a summary of what additional work is planned for the Site. The meeting was well attended by local residents and the media.

MSD has been fully cooperative in providing information to the EPA and KDEP as requested. At this time, the EPA has a verbal commitment from MSD to develop a work plan to gather the additional data needed to determine the appropriate next steps to address the problems with the remedy.

We appreciate your interest in the Lee's Lane Landfill and the opportunity to inform you of our involvement in the investigation of the Site. If you have questions or need additional information from the EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in cursive script, reading "Gwendolyn Keyes Fleming".

Gwendolyn Keyes Fleming
Regional Administrator

cc: R. Bruce Scott, Commissioner, KDEP

RAND PAUL
KENTUCKY

United States Senate

WASHINGTON, DC 20510

June 15, 2012

US EPA Region 4
Attn: Congressional Liaison
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303

Dear Congressional Liaison:

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RE: [REDACTED]

I am contacting you on behalf of the above referenced individual, who has contacted my office requesting assistance with the re-enlistment of Lee's Lane Landfill in Louisville, Kentucky, on the National Priority List. Please see attached [REDACTED] concerns and correspondence.

Upon reviewing the enclosed, please send any information regarding the status or resolution of this matter to my State Office in Bowling Green, Kentucky at:

U.S. Senator Rand Paul

1029 State Street

Bowling Green, Kentucky 42101

If you have any questions or need additional information, please contact my Constituent Service Representative, Alexandra Baston, at 270-782-8303. Thank you for your assistance.

Sincerely,



Rand Paul, M.D.
United States Senator

PRIVACY ACT RELEASE FORM

U.S. SENATOR RAND PAUL - KENTUCKY

Date: 04/26/12

SECTION I - PERSONAL INFORMATION

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Full Name: [REDACTED]
Address: [REDACTED]
(City) (State) (Zip)
Telephone #: [REDACTED] (Home) (Other)
Birth Date: [REDACTED] Marital Status: [REDACTED]
Email Address: [REDACTED]
Household Income: *(Needed only if applying for programs such as VA Pension, SSI, etc.)*

SECTION II - IDENTIFICATION NUMBERS

Social Security #: _____ VA Claim #: _____
(Veterans Only)
Medicare #: _____ CSA/CSF #: _____
(Claim Number) (OPM Only)
Alien Reg. #: _____ OWCP #: _____
(INS Only) (Federal Workers' Comp Only)

SECTION III - INTERESTED PERSONS

Please provide the names of those individuals with whom we may discuss your case.
This office can only discuss your case with the agency and yourself unless listed below
(ex: spouse, attorney, brother, sister, children, etc.):

Is any other Member of Congress working on this matter? Y (N)

SECTION IV — PLEASE PROVIDE AN EXPLANATION OF YOUR PROBLEM
OR REQUEST, AS WELL AS WHAT YOU ARE CURRENTLY ASKING
SENATOR PAUL TO AID YOU WITH.

1) TO AID IN THE INVESTIGATION OF THE LEES LANE / RIVERSIDE GARDEN LANDFILL, TO ASSIST IN PROMOTING OR OBTAINING RESOLUTION OF FEDERAL AND STATE GOVERNMENT AGENCY RELUCTANCE TO ASSESS PAST AND PRESENT HEALTH RISKS TO NEARBY RESIDENTS, TO ASSIST IN GETTING THIS LANDFILL REINSTATED BACK ON THE EPA NATIONAL PRIORITY LIST (NPL), TO ASSIST IN OBTAINING A PUBLIC HEALTH ASSESSMENT AND AMBIENT AIR ASSESSMENT
2) TO HAVE SENATOR PAUL OR A DESIGNATED REPRESENTATIVE ATTEND THE NEXT MEETING IN LOUISVILLE REGARDING THIS MATTER, TENTATIVELY SCHEDULED FOR JULY 2012.
(continue on another page if necessary)

In accordance with the Privacy Act of 1974, I authorize Senator Rand Paul,
and those acting on his behalf, to obtain information pertaining to this matter.

I affirm that the above information is accurate.

Signature: 

Date: 04/26/12

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RETURN COMPLETED FORM TO:

U.S. SENATOR RAND PAUL
1029 STATE STREET
BOWLING GREEN, KY 42101
PHONE: 270-782-8303
FAX: 270-782-8315

Baston, Alexandra (Paul)

From: Meadows, Whitney (Paul)
Sent: Thursday, March 29, 2012 1:12 PM
To: Baston, Alexandra (Paul)
Subject: Fw: FIX THE LANDFILL FIRST

Exemption 6 Personal Privacy

From: [REDACTED] (mailto:[REDACTED])
Sent: Tuesday, March 27, 2012 10:11 AM
To: Meadows, Whitney (Paul)
Subject: FIX THE LANDFILL FIRST

3/27/2012
Tuesday

FIX THE LANDFILL FIRST

Dear Whitney,

This is the last meetings listed items that the agencies deemed properly and right to discuss and then finally developed into a form of getting done as they felt that these items could be managed. It is my opinion that the coring or trenching inside the landfill especially since it may leachate still into the community and is leachate into the Ohio River and has been for over 20 years needs to be addressed. Knowing what is still inside this old abyss is a concern as you have to know what you are dealing with in form of what contaminants to rid that open pit of the undesirables then move forward with the other listed agreed upon items.

Each one of the listed items below needs a direct and concerted approach to end the many years of misery and suffering and also the deaths that have come directly from the landfill. We know that (A) chemical went into the landfill and mixed with (B) and (C) chemicals and heavy metals to form a even deadlier strain of contaminants. This constant mixing and reforming of these agents prove to me that the constant mixing of chemicals and heavy metals need to be seriously addressed. Now the agencies are not going to follow through on many of the discussed items from that date. The fact is this the materials of death went into the landfill and from the landfill came the illnesses and deaths so the research needs to be developed to ascertain just what we are dealing with inside the landfill.

In Sacramento California the EPA funded seventy thousand dollars to study "regular" Landfills which did not receive industrial waste or commercial wastes and to their surprise they found that they emitted Benzene and Vinyl Chloride. Then they stated that even after twenty years or more that these landfills studied were "boiling like a kettle" This is the constant and continually fermenting and decomposing of these wastes. This landfill in Riversides Garden was never a regular or normal landfill as it received especially after 1965 many thousands of gallons of toxic chemicals and heavy metals through many hundreds of transfer trucks pulling tankers into the open pit and emptying their tankers here. Then we know that hundred of drums 55 gallons at a time were hauled into the landfill crushed and buried here. The floating to the surface of these toxic chemicals and heavy metals was a common and normal occurrence here until 1975 when the landfill was no longer permitted to operate.

Then we see that the EPA of that time did very little to contain the thousands of gallons of toxic chemicals and heavy metals nor were they even concerned about the leachate of these chemicals into the community and certainly did not inform the community of the adverse health affects to come: "NOT ONCE" To now state that they will not try to ascertain just how many forms of death are still inside the landfill is ludicrous as we know what went in and now need to know if action is needed to control the situation here. It is apparent that it still kills even after it has been covered by regular dirt as some children as young as twenty six still die of B-Cell, Non-Hodgkin's Lymphoma and other illnesses.

This is why the effort must become a reality to determine if in fact what is under the landfill needs to be carefully taken away and even more of a concern is that the aquifer allows these many forms of toxic waste to empty into the Ohio River and at times of prolonged high water level forces its way back in under the community especially the land closes to the landfill. It is time to throw away all of the rule books when it comes to this deadly place and do what is actually needed here. Get a complete and clear picture of what is lying under the landfill and move out from there and do what the agencies seemed to be saying at the last meeting. Working towards that goal of ridding the community of the many thousands of gallons of toxic chemicals that are mixing and remixing and forming deadlier agents of death needs to be the first step.

Thank You.

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October 25th meeting

MSD building, Louisville Kentucky

RE: Lees Lane Landfill, located in Southwest Jefferson County

Notes:

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Meeting was requested by [REDACTED] and family

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[REDACTED] during the past year has contacted EPA, DWM, EQC and MSD regarding health concerns he believes many of which derived from exposure to toxins in the landfill. He named several forms of cancer, arthritis, respiratory illnesses, diabetes, Graves' disease, Wagner granulose, aneurysms and many other ailments that have afflicted his family throughout their lifetime.

He explained that as children they played, ate and drank from containers they found in the Landfill. He presented a list of 70+ illnesses from which he and/or his family suffered or died, he connects to the landfill.

Concerns to address:

- Aging exhaust system
- New Wells
- Testing for migration into the neighborhood
- Monitoring reports – current and ambient air
- Library or central repository housing of information

- Uncontrolled and unauthorized site access
- Damage to cap/Installation
- Agreed order between EPA and MSD
- Sand and Gravel pit
- Water and Fish testing below the pit
- Gas Venting system - improper function
- Health Study
- Containment of property
- Current recreational access (Mayor's initiative)
- Ambient Air testing – VOC's and SVOC's
- Sampling in basements
- Fish tissue sampling
- Ebb flow analysis
- Ecological testing on Mussels
- Fish and Wildlife testing
- Consumption Advisory
- Proper closing of abandoned wells
- Cancer comparisons using CDC guidelines